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6 Attorneys for Plaintiff  
Sun Life Assurance Company of Canada, U.S.  
7

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11 SUN LIFE ASSURANCE COMPANY  
OF CANADA, U.S.,

12 Plaintiff,

13 v.

14 MARY CATHERINE CHIROLO, an  
15 individual; et al.

16 Defendants.  
17

CASE NO. CV 08-3465 WHA

**WAIVER OF SERVICE OF  
SUMMONS OF DEFENDANT  
THEODORE V. SEVERIETTI**

18  
19 Plaintiff Sun Life Assurance Company of Canada, U.S. herein submits the  
20 signed Waiver of Service of Summons of Defendant Theodore V. Severietti,  
21 attached as Exhibit "A".  
22

23 DATED: September 3, 2008

BURKE, WILLIAMS & SORESENSEN, LLP  
DANIEL W. MAGUIRE

24  
25 By: /s/ Keiko J. Kojima

26 KEIKO J. KOJIMA

27 Attorneys for Plaintiff  
Sun Life Assurance Company of Canada,  
28 U.S.

**PROOF OF SERVICE BY MAIL**

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 444 South Flower Street, Suite 2400, Los Angeles, California 90071-2953. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On September 3, 2008, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

**WAIVER OF SERVICE OF SUMMONS OF THEODORE V.  
SEVERIETTI**

in a sealed envelope, postage fully paid, addressed as follows:

**SEE SERVICE LIST**

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 3, 2008, at Los Angeles, California.

/s/ Agnes D. Tualla  
Agnes D. Tualla

SERVICE LIST  
*Sun Life v. Chirolo, et al.*  
Case No. CV08-3465 WHA

Mary C. Chirolo  
50085 Deer Meadow Way  
Oakhurst, CA 93644-9009

Estate of Sean V. McShane  
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Theodore V. Severiotti  
7971 West Donald Drive  
Peoria, AZ 85383-2116

## UNITED STATES DISTRICT COURT

for the  
NORTHERN DISTRICT OF CALIFORNIASUN LIFE ASSURANCE COMPANY OF CANADA,  
U.S.,

Plaintiff

v.

MARY CATHERINE CHIROLO, an individual; DENISE  
ELIZABETH McSHANE, an individual;  
NANCI ANN SEVERIETTI BOYD, an individual;  
LINDA MARIE SEVERIETTI TORRES, an individual;  
THEODORE VINCENT SEVERIETTI, an individual;  
VICTORIA ANN TAYLOR CHAVEZ, an individual;  
The ESTATE OF SEAN B. McSHANE, and DOES 1  
through 10,

Defendant

Civil Action No.CV 08-3465 WHA

## Waiver of the Service of Summons

To: Keiko J. Kojima

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from August 8, 2008, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date Aug 28, 2008

Signature of the attorney or unrepresented party

THEODORE V. SEVERIETTI

Printed name

7971 West Donald Drive, Peoria, AZ 85383-2116

Address

E-mail address

Telephone number

## Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

**EXHIBIT A**